

COUNCIL CHAMBER

Regular Meeting

May 28, 2013

The thirty-fifth meeting of the City Council of Charleston was held this date convening at 5:16 p.m. in City Hall.

A notice of this meeting and an agenda were mailed to the news media May 22, 2013 and appeared in The Post and Courier May 26, 2013 and are made available on the City's website.

PRESENT (11)

The Honorable Joseph P. Riley, Jr., Mayor

Councilmember White	District 1	Councilmember Waring	District 7
Councilmember Hallman- <i>absent</i>	District 2	Councilmember Seekings	District 8
Councilmember Lewis	District 3	Councilmember Alexander	District 9
Councilmember Mitchell	District 4	Councilmember Riegel- <i>arrived at 5:43 p.m.</i>	District 10
Councilmember Wagner	District 5	Councilmember Moody- <i>absent</i>	District 11
Councilmember Gregorie	District 6	Councilmember Wilson	District 12

Mayor Riley called the meeting to order at 5:16 p.m.

The Clerk called the roll.

Mayor Riley said, "Councilmember Hallman called me today, clearly really under the weather with an upper respiratory infection. He is very dutiful and would not miss a meeting unless he was really sick, and I could tell he was today. Councilmember Moody, equally dutiful had surgery today, nothing life-threatening, but it was scheduled, and he is doing great. His wife called me this morning. The surgery went fast, he's doing well, and both would rather be here than the reason they missed. We certainly have them in our prayers and thoughts and know they'll be back at our next meeting of Council. I'd like to ask Councilmember Gary White to open our meeting with an invocation and then lead us in the Pledge of Allegiance to the flag."

The meeting was opened with an invocation provided by Councilmember White.

Councilmember White then led City Council in the Pledge of Allegiance.

Mayor Riley said, "Thank you all very much for coming. Sorry we started a little late. We have committee meetings that start early. We started at 3:00 this afternoon, and sometimes it just takes a while to get through their agenda. I'm very pleased to begin this meeting with a really wonderful and positive ceremony, and that is recognizing our Clean Cities Sweep winners. I would like to invite some of the participants in this Clean Cities Sweep to join me on the platform. Jennifer Scales, the fabulous Director of our Clean City program, Stephanie Cramer, from the Keep Charleston Beautiful Program and any student representative from St. Andrews Middle, come on up. Becky Bentz and any representatives from James Island Christian School, Pam Cox Jutte, Kristen Johnson and any student representing Stiles Point

Elementary, Tom Donnellon from Wagener Terrace, and any representatives from Charleston Collegiate and Orange Grove Elementary School, come on up here. How great to have all these wonderful people up here with Jennifer. Congratulations. Thanks again.”

Mayor Riley greeted the honorees as they came to the podium.

Mayor Riley said [to one of the students], “This is a gavel. That’s what you do when you want to bring the meeting to order.”

Mayor Riley banged the gavel.

Mayor Riley asked, “Do you want to hit that one time to see how it feels? Do you want to do it? Go ahead.”

The young child said, “No.”

There was laughter in the Chamber.

Mayor Riley said, “You can gavel the meeting. Maybe later? Okay. Alright.”

There was more laughter in the Chamber.

Mayor Riley said, “Clean Cities Sweep takes part in the spring of every year as a part of the Great American Cleanup, a nationwide litter removal, recycling, and beautification event hosted by Keep America Beautiful. This year the City of Charleston’s Keep Charleston Beautiful Cleanup had 1,914 volunteers who donated 9,960 hours of their time to remove 790 bags of litter; pulled and removed 20 tires from local green spaces and marshes, and planted 371 flowers. In addition, 22 youth education programs were conducted, focusing on environmental issues and volunteerism and 1,967 elementary students saw Clean City Clara, Keep Charleston Beautiful’s litter prevention pelican, celebrate with them.

In total, 10 local schools and 22 community groups and businesses took part for this year’s Clean Cities Sweep event. Special recognition goes to the following schools and groups for their achievements above and beyond the normal scope of Clean Cities Sweep:

First, Stiles Point Elementary is being recognized for Top School Project. Students, parents, and Scout volunteers picked-up trash at Demetre Park on James Island. In addition to the cleanup, the first grade and special education students attended a Clean City Clara presentation and hosted a cleanup of the school and its walking trails. The fourth grade installed bluebird houses and local Scouts painted a trash can for Colorful Cans. At least 225 students participated in this year’s Clean Cities Sweep events. So, who do we have here from Stiles Point Elementary School? Raise your hand. Let’s give them a great big round of applause.”

There was applause in the Chamber.

Councilmember Wilson said, “Mayor Riley.”

Mayor Riley recognized Councilmember Wilson.

Councilmember Wilson continued, “I’d like to recognize Steve Burger standing right over here, the principal of Stiles Point Elementary.”

Mayor Riley said, "Mr. Principal. I saw you walk in. They lost track of you. It's great having you with us and a great school, and what about that beautiful, brand new school? Isn't it wonderful?"

One of the honorees said, "Yes, we love our new school."

Mayor Riley said, "I was there for the groundbreaking and the ribbon cutting. It is a fabulous school and a wonderful principal. It's one of those schools where you just feel energized walking in. You feel the spirit from the leadership and from the students."

Continuing, he said, "Charleston Collegiate is also being recognized for the Top School Project. Students built an outdoor senior lounge and installed gutters and rain barrels to help make the project sustainable. The student body will help care for and maintain the plants in the lounge area. The students also took part in the Adopt-A-Highway program along Plow Ground Road, conducting four cleanups a year. Who do we have here from Charleston Collegiate? Let's give them a big round of applause."

Applause filled the Chamber.

Mayor Riley said, "Congratulations. Thank you very much. It makes such a difference on roads like Plow Ground Road. It's so beautiful and has wonderful forests and thickets, and then you see the trash along the side of the road, and it just takes away from the beauty so much. Thank you all very much.

I'm sorry I lost my younger friends up here. Come on back up here. Let's have everybody up here. I think we're all celebrating together. Come on back up. Good."

Ms. Jutte said, "The four year old couldn't handle it."

Mayor Riley remarked, "James Island Christian School is receiving the Top Colorful Can recognition. They created a beautiful trash can encouraging people to put waste in the right place. Is there anyone here from James Island Christian School?"

Ms. Scales said, "I don't think they were able to come today."

Mayor Riley said, "Well, let's give them a round of applause in their absence."

Applause filled the Chamber.

Mayor Riley continued, "St. Andrews Middle School is receiving the Second Place Colorful Can recognition. They also created a wonderful trash can. Is anyone from St. Andrews Middle here? Great! Thank you. Congratulations."

Applause filled the Chamber.

Mayor Riley said, "Orange Grove Elementary School's fifth grader, Vivian Moore, is the Artwork Winner. She created a beautiful garden design for this year's volunteer T-shirts."

Mayor Riley held up the T-shirt for the Chamber to see.

Mayor Riley continued, "Isn't that amazing?"

Applause filled the Chamber.

Mayor Riley asked, "Where are you? You did this? Come on up here. That is amazing. How old are you?"

Vivian said, "Ten."

Mayor Riley said, "Ten? Gosh. That is so mature. My fellow City Councilmembers can see it. Isn't that amazing? How long have you been painting?"

Vivian said, "Since I was two."

Mayor Riley said, "Since you were two? Do you have a special painting teacher, or is there someone at school or both?"

Vivian said, "I have a special painting teacher at school, Ms. June Allen."

Mayor Riley asked, "Is she here? Where is she?"

Vivian said, "She's sitting right there."

Mayor Riley said, "Well, you come on up here."

Applause filled the Chamber as Ms. Allen approached the podium.

Mayor Riley said, "Tell us about your fabulous student."

Ms. Allen said, "Vivian is one of the best artists I've had in a long time. She's very talented."

Mayor Riley said, "Well, that's wonderful. Vivian, congratulations. I'm so proud of you."

Vivian said, "Thank you."

Mayor Riley said, "Thank you very much."

Ms. Allen said, "Thank you."

Mayor Riley said, "That is wonderful. I can't believe that."

More applause filled the Chamber.

Mayor Riley asked, "Did it take you long to be inspired, or did you think about that a long time, or did it just come out?"

Vivian said, "I think it just came out."

Councilmember Seekings left the Chamber at 5:24 p.m.

Mayor Riley said, "Wow. That is fabulous. Then, the Wagener Terrace and Longborough Neighborhoods are winners of the Georgia Smith Recognition Award. These neighborhoods hosted a marsh cleanup along 10th Avenue. This area of marsh backs up onto many backyards. Their efforts helped restore the natural state of the marsh, and they plan to continue cleaning marshes in the area. Who's here from Wagener Terrace and Longborough? Thank you very much for coming. Congratulations."

Applause filled the Chamber.

Mr. Donnellon said, "Don't ask me how old I am."

There was laughter in the Chamber.

Mayor Riley said, "You know, we have school groups that come here that I enjoy talking with, and they invariably ask me, the little ones have to know my age. So, then I do something that my wife tells me I'm crazy to do, and I say, 'guess.' Invariably, the first hand goes up like they know, they know it, and the student says, '100!'"

There was laughter in the Chamber.

Mayor Riley continued, "Then, we eventually get down to something more reasonable. Then, one student once asked me if I'd ever met George Washington. That really made me feel bad."

There was more laughter in the Chamber.

Councilmember Seekings returned to the Chamber at 5:26 p.m.

Mayor Riley said, "Charleston Creek Cleaners could not attend tonight. They were the winners of the Best Before and After Photos. Let's give special recognition to Jennifer Scales. Jennifer, thank you and congratulations."

Applause filled the Chamber.

Mayor Riley thanked the honorees.

Mayor Riley continued, "That is really amazing. Now, we have one public hearing, 'an ordinance to amend the City Zoning Ordinance by changing the Zoning Map, so that Seaside Plantation Drive be rezoned from Single-Family Residential, SR-2 classification to Planned Unit Development classification.' Christopher Morgan is the Director of Planning for the City of Charleston's Planning, Preservation, and Sustainability. Tim Keane is at a conference on sustainability and ecological initiatives and is out of town."

Mr. Morgan said, "Thank you, Mr. Mayor, members of Council. I believe we've got some images to show you here, and these are also in your packages, but you all are probably familiar with this property now because this is the second time in about a year it's been before you. You might remember about a year ago, at the request of the residents in the neighborhood, the City initiated a rezoning out here that took this property and another property at the front of the Seaside Plantation Development from DR-6, which would have allowed multi-family to SR-2, which requires Single-Family only development. The neighbors were happy with that, and a parcel at the front of the neighborhood just proceeded with development. Now, there's a

potential purchaser for this property further to the rear along Seaside Plantation Drive that is interested in doing a PUD on the property because they feel that the PUD would, well a Single-Family PUD would allow for better utilization of the property and better preservation of some of the unique characteristics of the property. The site is about 41 and a half acres, of which 37 and roughly a half acres are buildable. The rest is marsh of varying degrees. The PUD would allow for about 160 units on the site. This is from our overall Century V City plan that shows it as suburban edge, which the rezoning of the last year has been in conformance. This PUD would further take it to conformance with that because it calls for lower density residential development on the site. Here's an aerial view of the site, again. Seaside Plantation Drive begins here. There are two sections to it. Over here is the larger section that backs up to the creek, and then the existing areas of Seaside Plantation, and then another little parcel across the way. The PUD itself, and here's an image of it, and I believe you have an image of this in your packets, as well, is as I said, a Single-Family PUD that has generous open spaces, both at the entrance to the development and along some of the creek front areas. It also has provisions for the lots that would be in areas of greater tree coverage because the site has many, many grand oaks. It's a beautiful site, and by using the PUD categorization, they can cluster the residential development and leave those open spaces and create a much better site plan. Our staff has been very much in favor of the site plan that they've been working on, and the applicants have also been working very heavily with the surrounding neighbors. One of the things that is now required in PUDs that a lot of folks don't realize is because of a recent court case is PUDs are now required to have a mixture of uses. It used to be interpreted that a mixture of uses could mean different types of housing styles, but now based on that court case and the South Carolina Supreme Court, we actually have to have a mixture of uses that includes a commercial or other type of use in the development. After exhaustive discussions and discussions with staff and looking at the site very carefully, what the applicants came up with was the idea of a small Outdoor Outfitters location that would have very limited hours of operation. It would have limited sizes of groups that could utilize it, but that could give kayak tours, kayak rentals, and things like that. Our staff felt that was a very innocuous commercial use that still would meet the letter of the law for mixture of uses and would also fit in with the creek front atmosphere here. I know the neighbors had been very concerned about how that would be put together. In fact, there is now a new provision in the PUD that's before you tonight. It's on page nine of the PUD, which I won't read all of it, but basically it says that should the State Law ever change, the requirement for mixture of uses in a PUD go away, that then this would revert back to the other uses of the PUD. So, that gives the residents a little bit more security if something does change in the future. In the meantime, we feel like the kayak operator is a very innocuous use and fits in with the feel of the development. We're very impressed with the site plan, and our staff recommends approval. The Planning Commission recommended approval, as well."

Mayor Riley asked, "Would any citizen like to be heard? Yes, sir. If you'll give your name and address, and then we'll to hear from you."

1. "My name is Michael Bond. I live at 1186 Sea Eagle Watch in Seaside Plantation. I just wanted to thank the Legal Department for all the work they put into this and to Councilwoman Kathleen Wilson for all her help of the residents of Seaside. To Mr. Knapp, we wish him well. Thank you."

Mayor Riley said, "Thank you very much. Would anyone else like to be heard? The matter is then before City Council."

Mayor Riley recognized Councilmember Wilson.

Councilmember Wilson said, "Thank you. I want to just take a couple of moments and speak on this a little bit. Like so much development around the City, in particularly on James Island, James Islanders flat out don't like development, and that's the nature of the island on which I live and the district in which I represent oftentimes. This parcel came up. You all, as colleagues, helped us in downzoning it, which was a big win for Seaside for the entire subdivision. This came along, and the developer presented really a pretty good PUD. We had a neighborhood meeting down on Folly Beach, actually, and we had quite a large turn-out, the largest turn-out I have ever seen for a neighborhood meeting. There was a lot of misinformation and a lot of uncertainty as to what this would lead to. One of the comments that was made very frequently is 'why can't we just keep it at SR-2; why does it have to be a PUD?' In platting this out as an SR-2, if it was straight SR-2 without the green spaces and without the different concessions that the developer has made, we would easily top 200, 225 homes on this parcel. So, it became a question, the property was going to be developed; there's no question it was going to be developed, and what is the lesser impact. What is the lesser of, as the community sees it in some cases, what is the lesser of two evils, and this PUD is deemed to be that. Yes, there's going to be development. There will probably be some trees taken down. I don't enjoy seeing that. I told the residents this is the most difficult part of my job, having to say 'yes' to developments in which I know pristine land is going to be disturbed. I don't like to see that, but nevertheless, in keeping with property owners' rights and what we have seen here, this is probably as good as it's going to get for the neighborhood and for James Island. So, I will endorse this. I will also say that it's not our Planning Department, our Planning Commission's issue, but this issue at the State level of mixed uses within a PUD is going to come back to bite us. The commercial aspect to this PUD, we went round and round and round, determining whether we really had to do it, if it had to be commercial. I don't think it's a particularly good State Law. I think it's going to cause a lot more heartburn than it will help in the end, but nevertheless, after a lot of discussion and a lot of good, cooperative meetings between the developer and Planning, myself, the residents, we have come to this conclusion that this would be the best plan for this parcel, so I would ask for your support."

Councilmember Lewis asked, "Is that a motion to approve this?"

Councilmember Wilson said, "Move to approve."

Councilmember Lewis seconded the motion.

Mayor Riley said, "I would just like to thank Councilmember Wilson for her leadership on this, which was so important and visionary because it helped produce something that is the best that you could possibly have. Thank you, and congratulations, Councilmember Wilson. I want to thank the neighborhood, as well, that worked closely with the City and gave us valuable input. It will become a decided advantage to the neighbors and to the James Island community and to our City and a very nice place for people to live, as well. Is there any further discussion?"

On a motion of Councilmember Wilson, seconded by Councilmember Lewis, City Council voted unanimously to give first reading to the following bill:

An ordinance to amend the Zoning Ordinance of the City of Charleston by changing the Zone Map, which is a part thereof, so that Seaside Plantation Drive (Seaside Plantation – James Island) (41.51 acres) (TMS #427-00-00-064 and 065) (Council District 12), be rezoned from Single-Family Residential (SR-2) classification to Planned Unit Development (PUD) classification.

Mayor Riley continued, "Next, we have the approval of the May 14th City Council minutes."

On a motion of Councilmember Mitchell, seconded by Councilmember Gregorie, City Council voted unanimously to approve the minutes of the May 14, 2013 City Council meeting as presented.

Councilmember Wilson was excused from the Chamber at 5:38 p.m.

Mayor Riley said, "Next is our Citizen Participation Period, which is an opportunity for citizens to address City Council on any matter they wish. There are no other public hearings tonight, so this would be the one opportunity to be heard on any matter, and thank you all very much for being here. If anyone would like to be heard, just take a microphone. We ask everyone to try to keep their remarks within three minutes, and give us your name and address. Even when we know each other, and it sounds silly to give your name and address, it helps our Clerks in transcribing the minutes of the meeting later on."

1. Steve Gates said, "I'm Steve Gates of 59 Meeting Street, President of Charlestowne Neighborhood Association, and a member of the Peninsula Neighborhood Consortium. I want to speak to the proposed ordinance that puts certain requirements on late night activities of commercial establishments in neighborhoods. I want to speak to support that strongly, both for myself, our neighborhood association, and the Peninsula Neighborhood Consortium. I think it's a fair balance between the needs for quiet enjoyment of persons' homes, especially late at night with reasonable limitations on late night activities by commercial establishments. I think this is a matter that's been brought to the Mayor's attention, over the last two years that I've been involved, by multiple neighborhoods, multiple times, addressing a particularly severe issue, and we fully support the proposed ordinance. Thanks."

Mayor Riley said, "Thank you very much, Mr. President. Yes, sir."

2. A gentleman said, "Mayor, Council, why I'm here is for the addition of the entertainment ordinance, and I do support that ordinance, but I would like to ask for maybe some more help in certain areas, such as the Avondale area where we live. I have three things I'd just like to address. Some of our neighborhood streets are getting clogged and narrowed down at times where we fear for emergency vehicles being able to get through those. The patrons are parking all the way out to the corners, to the stop signs, and both sides of the street, and there's very little room to maneuver safely. These are our neighborhood streets, places where we want to stroll our children, and in my case, grandchildren, without worrying about being hit by someone looking for free parking. Patrons are parking in front of our homes, emptying ashtrays, trash, plastic cups, and of course, beer bottles and cans. Along with this, we get people urinating, loud voices, both happy and mad, and also using our lawns for turn-around because they see a parking space going the other way. Loud noises, we're glad we're going to be doing something about the noises. In our area, in Avondale, those bars face Magnolia, and what we would like to see is the parking area behind there, if the smoking, the drinking, and the music can be put on the business side of these businesses, not behind where all the homes and where we are. As of now, where they all congregate and gather is in the back. If you all could help us with that, the neighborhood would certainly appreciate that. Thank you."

Councilmember Wilson returned to the Chamber at 5:39 p.m.

Mayor Riley said, "Thank you very much, and thank you for coming tonight. Yes, sir."

3. Tom Garrick said, "Thank you very much, Mayor, Council. After hearing about the development of Seaside, it was brought up by the Councilwoman how important the green spaces were out there, and how it's going to help the communities to maintain their character. I have a home at the corner of Camp Road and Riverland Drive, and the State has proposed that they put a round-about in my backyard, or right up against my backyard, and take away the majority of the green space that offers us a lot of quiet and security from this round-about. So, when it comes up before the Council, please consider that the residents of Riverland Crossing are unanimously against this thing, and we're strongly, strongly opposed to it and want to see as much of the green space preserved as possible. Thank you."

The Clerk asked for Mr. Garrick's name.

Mr. Garrett said, "Tom Garrick."

Mayor Riley said, "Thank you very much. Yes, ma'am."

4. Susan Bass said, "I'm Susan Bass. I am the President of the French Quarter Neighborhood Association. I live at 18 State Street, so I am one block behind East Bay Street, and I'm here to address the entertainment ordinance on behalf of me and my Board and the residents of my neighborhood. We want to express our support for this ordinance. We also want to ensure that this ordinance has teeth and is enforceable, and we want to work with the businesses, but there needs to be something done at closing time. It is really very unruly, and I don't need to go into all of the details. I think that you heard from another gentleman about what happens at 2:00 a.m. Thank you."

Mayor Riley said, "Yes, ma'am. Thank you very much. Yes, sir."

5. Bill Prewitt said, "Mr. Mayor, the Council, I'm Bill Prewitt. I live at 33 Hasell Street. I'm about a quarter mile from the Market. I support the entertainment ordinance that's been proposed. I just want to be sure it applies to rooftop bars, which have no windows or doors that can be closed, but believe me, the sound, you can hear it really well, and also to speak to the 2:00 a.m. problem when people are getting in their cars. I can be routinely woken up every night, predictably, because of people going to their cars and making a lot of noise. Thank you very much for your consideration."

Mayor Riley said, "Yes, sir. Thank you very much. Yes, sir."

6. Richard McCracken said, "Mr. Mayor, Councilmembers, and Chief Mullen, I am Richard McCracken. I live at 1 Vendue Range, and I'm the President of the Vendue Range Condominium Association. We are generally in favor of this late night entertainment ordinance, but I have some concerns, and I'd like to pose them to Chief Mullen. That is, in the past, we have been the enforcer of the 11:00 p.m. noise ending, and I really believe that there's a difference of opinion within your organization, Chief, as to who will reinforce that. Will you guys proactively enforce that, or is it again up to me to get out of my bed at midnight and say 'someone's playing music too loud.' I've been told I have to go down and meet the officer, and then I get asked do I want to have a citation issued? I've been doing this for ten years, and it gets a little old, frankly. I'd like to see the City ask that the officers that patrol the downtown East Bay Street area, enforce the ordinance as it's written on the books. Thank you."

Councilmember Riegel arrived to the Chamber at 5:43 p.m.

Mayor Riley said, "I might say, Mr. McCracken, somebody came to see me yesterday to complain about getting however much the ticket is for noise."

Mr. McCracken said, "It's a thousand some-odd dollars, Mr. Mayor."

Mayor Riley said, "Yes. He was really mad about it. So, at least I know of one person who got a ticket, but we take it to heart. People deserve to get a good night's rest."

Mr. McCracken said, "Thank you very much."

Mayor Riley continued, "Yes, sir. Yes, sir."

7. Chris Dimattia said, "Mayor, Councilmen, my name is Chris Dimattia. I live at 22 Nassau Street. I'm the owner. I'm the owner of the Recovery Room Tavern. We've been voted #1 Late Night Bar in the City three years in a row. We've never had a noise ordinance against us. We've never had an underage drinking ticket against us. I talked to the police. We've never had a call against us. The only time we've ever had the police come is when we've needed to call them for a drunk driver leaving that won't listen to our own staff. We're against the late night ordinance. Some of it, I don't have any problem with. I'm all for safety. We want everyone to be safe. I live in the neighborhood. I want my neighbors to like me and my business. We make it a point to try and stay quiet. We've changed some of our hours around to try and bring people inside the bar, so we're not as loud as it could possibly be. The problem being, the times that we actually have had to call the cops is because people don't listen to us. Some of the problems we have with this ordinance is that when we're out front, we don't mind putting extra security on, but if a kid's walking across the street screaming and yelling, all I can do is say, 'hey, don't do that; stop that!' We're not officers. We're not paid to be officers. We pay into the Hospitality Tax. We pay the Cabaret License Fees. We pay in the restaurant industry extra taxes that go towards policing, and we feel that it's not our job to police the streets. We do ask, if it goes through, that's fine. We'll work with it just like we've worked with everything else. You're going to change the time to 2:00 a.m., that's fine. You're going to have people dumping on the street at 2:00 a.m., and you're going to have people complaining. We're willing to work with you. We do ask, though, that on Wednesday, the need for indoor security on a Wednesday, we do not do the business on a Wednesday to justify that at all. We do have a doorman on Wednesday, but the bartenders take care of the interior security. We also ask that the indoor security be allowed to bus a table. Allow them to mop at the end of the night. Allow them to have extra duties, so that we, as business owners, aren't just paying someone anywhere from \$50 to \$100 a night to stand in a corner. That's just going to hurt small business. We have become the number one City in the world, and I think that's wonderful. I'm very proud to be from here, but part of this City being number one in the world is nightlife. People do come here for the nightlife. I understand that people have spent a lot of money on homes, and want to enjoy this peaceful City, etcetera, etcetera, but you're also in an entertainment City, and when you buy a home off a block off, I'm sorry if it's loud at 2:00 a.m., and that's about all that we have to say. Thank you."

Mayor Riley said, "Thank you. What's the name of your place?"

Mr. Dimattia said, "My name is Chris Dimattia, and I own the Recovery Room Tavern, 685 King Street. Thank you."

Mayor Riley said, "Okay. Thank you for coming."

Councilmember Seekings said, "Mayor Riley?"

Mayor Riley said, "Yes, sir."

Councilmember Seekings continued, "What's your occupancy rate?"

Mr. Dimattia said, "My occupancy is 99."

Councilmember Seekings said, "Okay."

Mr. Dimattia continued, "So, we have one doorman seven days a week. We'd have to hire one extra security person Wednesday through Saturday. Thursday through Saturday that's already me. I'm usually on the floor meeting and greeting with people, but I would have to hire one extra person, but I'd also say that there's a lot of small bars up north of the Crosstown that only have occupancies of 45 people, and that's going to be a real hit on those places, that two security, indoor and outdoor, on a space."

Mayor Riley added, "An amendment to the ordinance will take care of that problem."

Mr. Dimattia said, "Thank you very much, Mayor. Thank you, Council."

Mayor Riley said, "You bet. Yes, sir."

8. Bill Semmes said, "Mayor and Councilmembers, my name is Bill Semmes. I live at 1 Vendue Range, and I am treasurer of the French Quarter Neighborhood Association. I think generally, I'm in favor of this new noise ordinance, but I'd like to just let you understand a couple of things. Number one, between Market Street and East Bay and Unity Alley, there are 20 establishments that are authorized or licensed to serve alcoholic beverages. It's quite a bit. That's one every sixty feet. In addition to that, Building 1 of Vendue Range is 38 feet from the Vendue Inn. They are under new ownership, the Whites, and I'll tell you, I think so far, they've reached out to us. I think it's going to be very good. I certainly hope so, and they're interested in noise. They've got people staying there overnight. The Harbor Club, unfortunately, is a different story. We were in Livability Court with them in 2009, given their terrace, and what that required was us to have a sound meter and to monitor it, so we became the policemen. A couple of weeks ago, they had a party in there for a fraternity from Chapel Hill. You could hardly hear yourself think. They're 42 feet away from our Building 2, and probably about 48 feet away from our Building 1. People were going over before 11 p.m. They said 'where's your sound meter? That doesn't count. It's only for the roof.' So, just pushing us away. I said, 'there's a City ordinance on amplified music after 11:00 p.m. It should not be heard three feet away from your building.' They didn't even recognize it; didn't care. Until Team 2 came and closed them down, that was the way they were, and that took at least a half an hour. Their only lament was that they had to pay back the fraternity some of the money. We are in Livability Court with them now. The City Legal Department has been very helpful. We've had a meeting with them. I think it's going to work out, but the issues that we have are before 11:00 p.m., and there doesn't seem to be any regulation or standard. Why should we have to have sound meters, you know, and figure out this and that, and why should we be the policemen of it? We're glad to help out, but the club is making the money. They should pay for it. So, before 11:00 p.m. and after 11:00 p.m. is a big issue. Thank you, sir."

Mayor Riley said, "Yes, sir. Thank you very much. Yes, ma'am."

9. Louise Pecevich said, "Good evening, Mayor Riley and Councilmembers. My name is Louise Pecevich. I'm a representative of the Riverland Crossing Homeowners Association. I live at 1029 Stono River Drive in James Island. I believe that City Council was recently briefed by SCDOT on a proposed round-about project at the intersection of Camp Road and Riverland. Our neighborhood in the not-to-distant past, actually, has met with SCDOT and discussed this issue at length. After considerable thought and review of the rationale and the factors that are involved in this particular project, my neighborhood is unanimously opposed to the project in its current design. We believe that it is in its current design, very detrimental to our neighborhood, to quality of life, and to the environment, and also to some of the abutters, who are also going to be involved in this project and have concerns. We believe that and have asked that SCDOT revisit the project and go back to the drawing board to see whether or not we can come up with an alternative that represents a win-win for all involved, rather than a detriment for all. We look forward to speaking with you in the future. Thank you for your time. Thank you very much."

Mayor Riley said, "Thank you very much. Yes, sir."

10. Ian Mills said, "Good day. My name is Ian Mills. I live at 203 Fishburne, and I'm part of the Westside Neighborhood Association. I was sent here to give a letter to you guys. We would like to request the conversion of Herbert Hassell Pool at 265 Fishburne from a seasonal use to year-round use. As you may know, the Herbert Hassell Pool is currently the only City pool that is not a covered facility. Given Charleston's proximity to the ocean and the importance of aquatic activities for health and recreation, we would request this for not only ourselves, but our children and future children. We respectfully request that the City Council include the conversion of this to a year-round covered pool in the current budget planning. We would also like to bring up we're concerned about the restaurants and bars moving up King Street and would like the police force to accommodate this, any added police force. I've already been told that they're working on it, and we appreciate that."

Mayor Riley said, "Well, thank you very much."

Councilmember Wilson said, "Just to correct for a moment, the James Island Pool is a seasonal pool, as well, and we've been trying to get that covered from before I joined this Council."

Councilmember Lewis said, "Madam Clerk."

Mayor Riley recognized Councilmember Lewis.

Councilmember Lewis said, "That was voted on at the neighborhood meeting when Mr. Lawrence was at the School Board meeting, so he was authorized to come and read that letter. So, I just want to make sure that's in the minutes. Thank you."

Mayor Riley said, "Thank you very much. Yes, sir."

11. Fran Clasby said, "Hello. My name is Fran Clasby, and I'm aware that we won an award for Wagener Terrace for picking up trash, and pollution takes lots of different forms, not only noise, but the stuff that gets left on the street after a big event, big party, big festival. I

think it would be responsible for the businesses to deal with the trash. It's a cost of doing business downtown, and that trash might be loud, obnoxious people. Thank you."

Mayor Riley said, "Thank you very much. Yes, sir."

12. Jim Curley said, "Thank you, Mr. Mayor. Council, Chief, my name is Jim Curley. I'm the owner of AC's Bar and Grill. It's my understanding that the entertainment ordinance is being presented tonight with some provisions amended. It seems to me that we as business owners understand our responsibility to work with the City, with the Police Department, to cooperate any way we can. I think it's important that this Council recognizes the difference between the staff of my private business and the authority of the Police Department when it comes to policing public areas, and I understand that this is addressed in that amendment. We encourage the Council to adopt that amended version of this. I'll say that for many of us business owners, we're appreciative for the relaxing of the staffing requirement while we hammer this out to see if it's acceptable to the Department, to the City, and to the businesses, to our neighboring residents. So, I want to thank you in advance for your consideration of all these concerns, and having seen the measure with the provisions proposed as additional tonight, I would be supportive of this. As a small business owner, we're prepared to cooperate with the City in any way, and I thank the Mayor's office. I thank the Chief of Police and this Council."

Mayor Riley said, "Thank you very much. Yes, ma'am."

13. Alice Tellis said, "Alice Tellis. Mayor, Chief of Police, and all of you know, I'm always prepared to speak, but I don't know what I'm going to say yet. I don't understand how we describe the entertainment district. What does that mean? I don't know what entertainment district means, and we'll leave that alone for right now. Sometime ago, I told you all that my father came from Europe, Greece, from the shipping industry. He was in Boston, and he was in the hotel business, and he was there in his young life and came to Charleston in his late life and had a restaurant, had many restaurants. He had a cousin who was in the shipping industry, and he owned ships all over the world, and he lived in Baltimore, and he was in Charleston one night. So, he was my uncle, my father's first cousins, and says, 'you know, your father runs his restaurant like a school; when somebody in the restaurant has too much to drink or is too noisy, he tells them they have to leave, and they leave.' God bless you all, and I don't think we should have our policemen take care of our entertainment district. We should be able to tell the person in our store, 'please, you have to leave now.' That's all. Thank you."

Mayor Riley said, "Thank you very much. Yes, ma'am."

14. Dr. Margaret Kelly said, "Yes, hello. Thank you for listening to me today. My name is Dr. Margaret Kelly, Ph.D., Genetics. I'm a basic research scientist, and I've worked at MUSC, although I'm in the process of moving, for 22 years. I am speaking today about my concern with the relaxed policing of establishments that serve alcohol, particularly after hours. During the week, I'm thankful that there will still be some policing afterwards. I am very active in trying to stop Senate Bill S308, which was before the Judiciary Committee today, but people were not allowed to speak at that time. I would like to submit S308 for review by this Committee. 'Concealed Carry' will be legal, and I'm very concerned about that throughout the State, including the areas that will be policed less based on what you're discussing today."

Mayor Riley said, "Thank you. Thank you very much for coming, and thanks for going to Columbia for us. Yes, ma'am."

15. Reverend Alma Dungee said, "Mayor and Councilmembers, my name is Reverend Alma Dungee. I am President of North Central Neighborhood. I'm in support of the ordinance that you all are going to pass, and I feel like the owner and the customer should respect each other. The customer should respect the owner and not have drinks out after a certain time or hour or making noise outside, that our police officers have to leave certain areas and come and tend to what's going on. Thank you, Mayor, and I'm in favor the ordinance that's about to be passed."

Mayor Riley said, "Thank you very much. Yes, sir."

16. Craig Nelson said, "My name is Craig Nelson. I own Proof on 437 King Street. I live at 25 Anita Drive, West Ashley. I'd like to thank the Councilmembers, the Chief, and the Mayor also for helping make some changes that would have probably forced us out of business, or at least change business, and the changes in this late night ordinance. If it goes through as written, we would gladly support the changes and would like to thank all of you for your help."

Mayor Riley said, "Thank you. Thank you very much. Yes, sir."

17. Robert Ballard said, "Robert Ballard, Mr. Mayor, Warren Street. I represent Radcliffeborough. On this late night entertainment ordinance, we are here to offer support. It's taken us 30 years to restore our historic districts. When you restore a historic district, you attract new commercial interests, entertainment included, but it takes a little balance nowadays because we have to ask this Council's assistance in protecting that quality of life it took us three decades to restore. Livability is a major issue, as you know. I took a police tour with Team 1 two weeks ago, and Lieutenant Hawkins gave me a tour from 10 in the evening until 1:30 in the morning. That will open your eyes, folks. If you haven't been on a police tour in 20 years, it's a changed world out there. The buildings have been restored, and we've got a dynamite set of architects that work on King Street, but the headache is that an entertainment industry is not like a restored neighborhood over 30 years. The kind of people that I want us to emulate are the Morris Sokol's of the world who have been in business for 92 years. If you can name a bar or restaurant downtown that's been in business for 92 years, you're better than I am. We need professions. We need the likes of people that have just gone into business, and you've got the Charleston Law School, and that's the kind of industry we need down here. We need some base industry, and don't put all the marbles in one service industry with bars and restaurants. Our streets, when you add up all of these elements together, folks, I just think we've got to have a long range land use plan that goes above and beyond the entertainment industry. Thank you."

Mayor Riley said, "Thank you very much. Yes, sir."

18. Harry Fendrich said, "Good evening. My name is Henry Fendrich. Hello, Councilmen and Councilwoman, and Mr. Mayor, thank you for the opportunity to say a few words about this. I would like to say I'm also a small business owner with about 100 employees, and an office in West Ashley. However, we live just down the street from the entertainment district. That's Warren and St. Philip, and I've been trying to learn to sleep at night. With the music drifting out of the windows and the doors, I would just really love to have those facilities close their windows and doors and keep them closed, but they don't, and so the noise often drifts through. I would like to suggest, as we all know, there's a delicate balance between livability and fun and commercial enterprise, and this City works really hard to try and

keep it in balance. I've also been to New Orleans probably 100 times in my life working, and they have a street down there. We all know it's called Bourbon Street. It's tilted over. I don't believe any of us would like family members routinely going up and down Bourbon Street. I very much hope that Upper King Street doesn't tilt that far. It could happen, so I'm strongly in favor of an entertainment district ordinance, particularly focusing on livability, civility, and I know there's an argument going forth about whose responsibility it is to quiet it down and disperse crowds right in front of a facility. Well, I'm perfectly happy to have the City raise the money to provide the police officers to provide that service, and in the meantime, until that occurs, I have no problem myself thinking that the safety officers, who used to be called 'bouncers' in those places, right in the immediate vicinity of their front doors can maintain order. Then, if they're having difficulty with it, they can summon the police on more of an emergency basis. I'm also the Vice President of the Radcliffe Neighborhood District, so thank you for your time in listening to me."

Mayor Riley said, "Thank you, Mr. Fendrich. Yes, ma'am."

19. Linda Susan Mitchell said, "I'm Linda Susan Mitchell, and I live at 1 Vendue Range. What I want to address is this Franchise Agreement #4 for Ice Box, and it appears that it's going into Waterfront Park. I would be opposed to that because I think Waterfront Park is absolutely a fabulous park. There are many families, it's heavily utilized, and people like to people stroll along. I think that adding a business operation into the park doesn't really support the family concept, and I think there are plenty of businesses on Vendue Range where people can get their ices, their ice creams and other food. Thank you."

Mayor Riley said, "Thank you very much. Yes, ma'am."

20. Kathy Britzius said, "My name is Kathy Britzius. I'm Director of the Charleston Restaurant Association. The Charleston Restaurant Association is in full support with the City that there are issues with some late night activities in some districts in the City of Charleston. The Charleston Restaurant Association, along with the City, believes some action needs to be taken to control crowds in these districts. The Charleston Restaurant Association would request a 30 day delay in approving the ordinance. The ordinance, number one, was moved too quickly. Two, there are already laws on the books that address each of these issues. Number three, our solution is there should be more required annual education of the 7A owners and managers. Require them to attend a yearly seminar with the City to update the owners and managers on current trends and procedures dealing with alcohol and large crowds. Education is the key to solving these issues, not duplicating the rule book. Number seven, we are asking for a 30 day delay to write a more effective ordinance that would help in eliminating the problems. Thank you."

Mayor Riley said, "Thank you very much. Would anyone else like to be heard? Okay. Yes, sir."

21. Christopher Inglese said, "Hi, Mayor Riley, Councilmembers. Thank you. My name is Christopher Inglese, and I'm here representing the Riverland Crossing HOA. A couple of the members, property owners, spoke earlier. We just wanted to take this opportunity to plant some seeds as we continue to evaluate the round-about proposal by DOT in that area. The citizens are obviously very concerned. They've hired a lawyer, so that should demonstrate the level of concern that they have, and you'll see me again at the public hearing, as well as Councilmember Gregorie. We're trying to schedule a stakeholder meeting. I'll be participating

in that, so I look forward to working with everybody trying to find a resolution for the citizens there. Thank you.”

Mayor Riley said, “Thank you very much. That concludes the Citizen Participation Period. I thank everyone for coming and for speaking and speaking so well. It’s very helpful to all of us. Thank you so much. We now will proceed with our agenda, and all I have to do is get organized here. Petitions and Communications.”

The Clerk said, “We don’t have any Petitions and Communications.”

Next on the agenda were the City Council Committee Reports.

Mayor Riley said, “City Council Committee Reports, Traffic and Transportation.”

On a motion of Councilmember Seekings, seconded by Councilmember White, City Council voted unanimously to adopt the report of the Committee on Traffic and Transportation as presented.

---INSERT TRAFFIC AND TRANSPORTATION REPORT---

(Application for Original Certificate of Public Convenience and Necessity Certificate for Taxi Cab/Limo

-- Nathaniel L. Ody, Jr., DBA Nathaniel’s Limo (Limo)

-- Going Coastal, LLC (Limo)

(Authorize the Mayor to enter into a Franchise Agreement between the City of Charleston and Ice Box, Inc. for the franchising of Space #4. [Ordinance]

First reading was given to the following bill:

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston a Franchise Agreement with Ice Box, Inc. for Space #4 located at Waterfront Park, a designated space within the City of Charleston from which food or drink or reading material sold in conjunction with the sale of food or drink may be sold from a stationary cart.

Mayor Riley said, “Committee on Public Works and Utilities.”

Councilmember Waring, Chair of the Public Works and Utilities said, “Mayor, we met today. We accepted two streets for acceptance and dedication. It was passed unanimously. They are in Riverland Park subdivision, Galloway Lane, 22 foot right-of-way on Pentland Drive, which is a 50 foot right-of-way. I’d like to move for approval.”

Councilmember White seconded the motion.

On a motion of Councilmember Waring, seconded by Councilmember White, City Council voted unanimously to adopt the report of the Committee on Public Works and Utilities as presented.

---INSERT PUBLIC WORKS AND UTILITIES REPORT---

(Acceptance and Dedication of Rights-of Way and Easements

-- Riverland Park Subdivision- Galloway Lane (22' r/w), Pentland Drive (50' r/w)
(Ordinance Amendment to Chapter 14, Article IV, Sec. 14-46 of the City Code.
(discussion only) (DEFERRED)

Mayor Riley said, "Committee on Ways and Means."

Mayor Riley recognized Councilmember Alexander.

Councilmember Alexander said, "Thank you, Mr. Mayor. Madam Clerk, would you record my nay vote in the appropriate spot?"

Madam Clerk said, "Yes, I will after the vote."

On a motion of Councilmember Lewis, seconded by Councilmember Mitchell, City Council voted to adopt the report of the Committee on Ways and Means as presented. The vote was not unanimous. Councilmember Alexander voted 'nay' on Item 11d of the agenda.

---INSERT WAYS AND MEANS REPORT---

(Bids and Purchases

(Police Department: Approval to submit the COPS Community Policing Development Microgrant in the amount of \$50,000 for Community and Police Problem Solving Partnership. No City match is required.

(Police Department: Approval to submit the COPS Hiring grant application in the amount of \$1,000,000 for the City of Charleston Police Department for the hiring of 8 police officers. The match required for a three-year grant period is 31.3%: Year 1 (25%), Year 2 (30%), and Year 3 (38%). This match would need to be budgeted in future budget years, starting in 2014.

(Public Service: Approval of B&C Utilities, Inc.'s proposal to repair the storm drain between St. Margaret and Grove in conformance with standard City procedures and details in the amount of \$65,901.50. This is an emergency repair due to the collapse of the existing storm drain in Wagener Avenue. Work on the road is currently underway. This is an after-the-fact approval.

(Parks-Capital Projects: Approval of Change Order #1 with *Strickland Waterproofing Company* in the amount of \$14,811.50, for unforeseen spalding repairs at the Majestic Square Garage. The project budget is increased by \$7,441.50, to \$187,611.50 and the project schedule remains unchanged. (P118568)

(Parks-Capital Projects: Approval to award a contract with *Tennico of Columbia, Inc.*, in the amount of \$307,363, for construction of the Daniel Island Tennis Center-3 Courts Addition.

(Legal Department: Approval of an Intergovernmental Agreement between the County of Charleston and the City of Charleston for the West Ashley Circle Right-of-Way Project.

(Authorize the Mayor to enter into a Franchise Agreement between the City of Charleston and Ice Box, Inc. for the franchising of Space #4. [Ordinance]

(Authorization to rescind Ordinance #2007-181 transferring 26 Blake Street to the Charleston Bank Consortium for \$36,032.65 and to authorize the Mayor to execute the necessary documents to enter into that certain Agreement of Purchase and Sale between the City of Charleston and Yarrum II, LLC for the sale of 26 Blake Street located in the City and County of Charleston, State of South Carolina for \$71,500, said Agreement of Purchase and Sale being marked

as Exhibit I, attached to said Ordinance and incorporated by reference therein.
[Ordinance]

(Authorize the Mayor to execute that certain Agreement of Purchase and Sale between the City of Charleston and Ian Mills and Jamie Mills for the sale of 54 Nunan Street located in the City and County of Charleston, State of South Carolina for \$73,000. [Ordinance]

(Authorize the Mayor to execute that certain Agreement to Buy and Sell Real Estate between the City of Charleston and Peter Provost and Megan Provost for the sale of 18 Strawberry Lane in the amount of \$202,000. Buyers will be financing \$165,221; City subsidy in this property is \$36,779. [Ordinance]

(Request authorization for the Mayor to execute the License Agreement between the City of Charleston and Carolina Polo and Carriage Co. Inc. whereby Carolina Polo desires to make use of the horse stable, hay barn and paddocks located on a portion of Hampton Park for the purpose of stabling its horses in agreement with the attached operational directives in the amount of \$5,000 per month on a month-to-month basis (a portion of TMS# 460-00-00-002) [**Councilmember Alexander voted nay.**]

(Consider the following annexations:

- i.) River Road (TMS #312-00-00-062) 5.55 acres, Johns Island (District 5)
- ii.) 823 Hemmingway Drive (TMS #309-13-00-094) 0.30 acre, St. Andrews Parish (District 2)

(Executive Session

First reading was given to the following bills:

An ordinance authorizing the Mayor to execute on behalf of the City of Charleston a Franchise Agreement with Ice Box, Inc. for space #4 located at Waterfront Park, a designated space within the City of Charleston from which food or drink or reading material sold in conjunction with the sale of food or drink may be sold from a stationary cart.

An ordinance rescinding Ordinance #2007-181 which authorized the Mayor to execute the necessary documents to transfer 26 Blake Street to the Charleston Bank Consortium for \$36,032.65; and to authorize the Mayor to execute the necessary documents to enter that certain Agreement of Purchase and Sale between the City of Charleston and Yarrum II, LLC for the sale of 26 Blake Street bearing TMS #459-06-01-049 located in the City and County of Charleston, State of South Carolina, for the sum of \$71,500.00, said Agreement of Purchase and Sale being marked as Exhibit I, attached hereto and incorporated by reference herein.

An ordinance to authorize the Mayor to execute the necessary documents to enter into that certain Agreement of Purchase and Sale between the City of Charleston and Ian Mills and Jamie Mills for the sale of 54 Nunan Street bearing TMS #460-07-01-024 located in the City and County of Charleston, State of South Carolina, for the sum of \$73,000.00, said Agreement of Purchase and Sale being marked as Exhibit I, attached hereto and incorporated by reference herein.

An ordinance to authorize the Mayor to execute the necessary documents to enter into that certain Agreement to Buy and Sell Real Estate between the City of Charleston and Peter Provost and Megan Provost for the sale of 18 Strawberry Lane bearing TMS #460-03-02-068 located in the City and County of Charleston, State of

South Carolina, for the sum of \$202,000.00, said Agreement to Buy and Sell Real Estate being marked as Exhibit I, attached hereto and incorporated by reference herein.

An ordinance to provide for the annexation of property known as River Road (5.55 acres) (TMS# 312-00-00-062), Johns Island, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 5.

An ordinance to provide for the annexation of property known as 823 Hemmingway Drive (0.30 acre) (TMS# 309-13-00-094), St. Andrews Parish, Charleston County, to the City of Charleston and includes all marshes, public waterways, and public rights-of-way, shown within the area annexed upon a map attached hereto and make it part of District 2.

Mayor Riley said, "Next, we have bills up for first reading."

The Clerk said, "Mayor, those bills that are up for first reading were a part of the Ways and Means Report."

Mayor Riley said, "Bills up for second reading. The first is an ordinance relative to a loan from First Citizens Bank concerning 729 East Bay Street, a bill that's up for second reading. Is there a motion?"

On a motion of Councilmember Waring, one (1) bill (Item K-1) received second reading. It passed second reading on motion of Councilmember Lewis and third reading on motion of Councilmember Lewis. On further motion of Councilmember Mitchell, the rules were suspended and the bill was immediately ratified as:

2013-52 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER, ON BEHALF OF THE CITY OF CHARLESTON, THE DOCUMENTS NECESSARY OR REASONABLY REQUIRED BY FIRST CITIZENS BANK AND TRUST COMPANY, INC. TO OBTAIN A LOAN FROM FIRST CITIZENS BANK AND TRUST COMPANY, INC. IN THE MAXIMUM PRINCIPAL AMOUNT OF \$1,182,500.00 FOR THE REFINANCING AND MORTGAGING OF 729 EAST BAY STREET BEARING TMS #459-06-01-067, SAID PROPERTY BEING LOCATED IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, SAID LOAN TO BE MEMORIALIZED IN LOAN DOCUMENTS, ACCEPTABLE TO THE MAYOR AND CITY'S LEGAL COUNSEL, REFLECTING THE TERMS AND CONDITIONS GENERALLY SET FORTH IN THAT CERTAIN COMMITMENT LETTER BEING MARKED AS EXHIBIT I, ATTACHED HERETO, AND INCORPORATED BY REFERENCE HEREIN.

The vote was not unanimous. Councilmember White abstained from voting. A conflict of interest form is on file in the Clerk of Council's office.

Mayor Riley said, "Next is an ordinance for the lease of said property. Is there a motion for that?"

On a motion of Councilmember Alexander, one (1) bill (Item K-2) received second reading. It passed second reading on motion of Councilmember Mitchell and third reading on motion of Councilmember Alexander. On further motion of Councilmember Mitchell, the rules were suspended and the bill was immediately ratified as:

2013-53 AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY DOCUMENTS TO ENTER INTO THAT CERTAIN COMMERCIAL LEASE BETWEEN THE CITY OF CHARLESTON AND CHARLESTON TRIDENT URBAN LEAGUE FOR THE LEASE OF THE 1ST AND 3RD FLOORS OF THE JOSIAH SMITH TENANT HOUSE LOCATED AT 729 EAST BAY STREET IN THE CITY AND COUNTY OF CHARLESTON, STATE OF SOUTH CAROLINA, BEARING TMS #459-06-01-067, SAID COMMERCIAL LEASE BEING MARKED AS EXHIBIT I, ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN.

Mayor Riley said, "Next is an ordinance relative to 1845 Wilshire Drive. Is there a motion to give that second reading?"

On a motion of Councilmember Mitchell, one (1) bill (Item K-3) received second reading. It passed second reading on motion of Councilmember Gregorie and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Gregorie, the rules were suspended and the bill was immediately ratified as:

2013-54 AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF PROPERTY KNOWN AS 1845 WILSHIRE DRIVE (0.40 ACRE) (TMS# 352-09-00-024), WEST ASHLEY, CHARLESTON COUNTY, TO THE CITY OF CHARLESTON SHOWN WITHIN THE AREA ANNEXED UPON A MAP ATTACHED HERETO AND MAKE IT PART OF DISTRICT 9.

Mayor Riley said, "Next is an ordinance relative to adding to Chapter 17 of Article VIII pertaining to late night entertainment establishments. It's been amended. There are proposed amendments before you tonight, and a memo relating to some of them. I'd like to say a few words at the outset, if I may.

First of all, I want to thank Chief Mullen and the responsible Hospitality Committee that met, our City Staff for their hard work, and the input that we received from neighborhoods and from the community, including the restaurant and bar community. This is a very important ordinance. There is no City like Charleston, and that's normal mayoral boosterism, I know. This is a great place, a wonderful place, and a special place. First, it is a wonderful place to live for the people who call Charleston home, a City that is beautiful, safe, vibrant, friendly, and so much more. Maintaining that requires great vigilance on the part of the elected officials and the citizens of our community, to always make sure that it is a wonderful place to live, including a wonderful place for people who live near or are integrated with commercial establishments. In America, there's been so much separation from where people live, work, visit, eat, drink, and recreate. In great cities, there's no separation when those are woven together, and we enjoy the energy and the access. Because they are integrated and close, it lends to great success of Charleston, and especially the wonderful restoration of its commercial corridor, that has healthy neighborhoods living adjacent to it. We have cause to continue to monitor the effects of that and any changes. We started the first Tourism Management ordinance and the first Tourism

Management Study in America, Charleston did, and probably the first comprehensive Visitor Accommodations ordinance in America, Charleston produced.

Tonight, we produce this Late Night Entertainment ordinance as evidence of the City feeling of that responsibility to be aware and to be in front of the challenges, of monitoring and guiding the development and use of our City. It is very important that we, cities or any organization, company, or community, be proactive, and that's what we're doing here. Now, with the matter of bars and restaurants, I would cite that this is a fair analogy. In our home, with our children, we work hard. Our parents would provide for it, heat it and cool it, keep us fed, and it would be a place to enjoy. Then, everybody keeps their own room straight. That's the goal. We each have responsibilities to make that a nice place to live. The fundamental underpinning of this ordinance is that those who operate restaurants and bars that after late hours become more and more recreational than food, join with us in an exacted responsibility for what goes on there. If that responsibility isn't exacted, if that isn't compact, then it's not right for the person that drinks to excess without being monitored in the establishment. It isn't right that then the citizens, whether it's the police or the adjacent neighbor, have all the responsibilities, with no felt responsibility of the owner and manager of the place where they were.

In developing this ordinance, we never understand the full meaning of a term that isn't met. Never did the ordinance intend to have the bar owners have the responsibility of policing the streets, not at all. That's the City's Police Department's responsibility, but what the ordinance reasonably expects, and this is one piece of it, but in the instance of a bar where there are 75 people outside waiting to get in on a sidewalk, that the owner has a responsibility of ordering that. There are some places on King Street that do a great job of that, where if you're lining up to get in because they have an occupancy load, which we monitor, and if the occupancy load is 100, and there are 100 in there, then people cannot get in. Well, in some places they bulge out into the street, which then make people have to walk out into the street and move down the sidewalk. So, what the ordinance requires is in that instance, the owner of that establishment is not enforcing City laws or anything like that. They monitor the system of people getting in, and there's one place that does it very well, a single file up the street. They keep an eye on that, so the sidewalk is open for people to walk down, and that's kind of an external part of it. This is what the ordinance will set-up, and this is not onerous or burdensome. There are no bouncers envisioned in this ordinance. There are no Pinkerton security guards envisioned or will be required by this ordinance at all.

This is how it works: you have a bar or restaurant, and after midnight, some additional climates come into place. You have somebody at the door who keeps the clicker, who knows how many people are in the place. We shouldn't have to have a police in every restaurant every minute of every night counting the number of people. That should be their responsibility, the same way as expecting us to keep our rooms clean. So, you've got a person at the door after 12:00 a.m., so that there's no danger of it being overloaded; and you're not running the risk of any hazard or tragedy because of that. Then, if it's under 50, there is a bill requirement other than the door person, and you'll see the revised numbers in there. There's no uniform required, but you have some form of identification for the people who are working with the management, and the manager could be one of them, that shows that they have a managing responsibility in there. Then, if you're in the bar, and somebody is obnoxiously drunk, and you're afraid of them and want something to be done, you see there's a person with that badge on and say 'at that table over there, somebody's going to get into a fight; you really need to do something.' All we want is for the restaurant and bar owners to call the police. We're not asking them to accept anything. Every one of our police officers out there, and we have plenty of police officers out there, and we're adding more, have their cell phones on, and the people in the bars and

restaurants have their cell numbers. The police can be there in a moment. That person who's back there stone drunk, or getting ready to pick a fight or something like that, they can handle. It's that kind of accepted monitoring and responsibility, in that bar or restaurant, where there is an accepted duty. Then it is more often from people having eaten and for the most part, drinking, that accepts the responsibility, depending on the size of observing and monitoring. Somebody such as a waiter or waitress sees someone that is difficult, can check with them and tell someone not to sell them any more alcohol. We need that in the bar, because if that establishment just sells to that person until they're blind drunk, that can go out on the street and cause havoc or run the risk of killing of somebody or getting into a wreck. From that establishment owner, we need that form of accepted partnership, and that's what this great ordinance does. You might be happy to know I've covered most of my points."

There was laughter in the Chamber.

Mayor Riley continued, "So what we did, we kept listening to City Council, as we always do and to people like Mr. Nelson. He's got a small business. His occupancy is under 50, and this is what Chief Mullen and his staff realized. You've got Mr. Nelson, and he has someone at the door after midnight (this is an example, and we're always listening), so it's certainly not going to put an undue burden on anyone at all. What we have set up, is that for the new businesses, they have to go before our review committee with a plan where Chief Mullen and his people and others can say 'okay, you've set-up for 160 people. What is your security plan? You will need someone at the door after midnight', etc. Also, after midnight, they can use a really good waiter service that they really respect and trust in their business, and the fewer of those that are needed for serving food, they can retain to work for two more hours. They put on the badge. They understand the facility, the restaurant that they're in, and they become the additional monitors under this ordinance. You start with a plan. You start with an understood, felt responsibility that you have a duty about the point I made in the very beginning: that this is a great place for people to live, and we're going to keep it that way, and we're going to keep our brand. As I told someone I talked to this afternoon; we're going to keep our brand as a special City because we're not going to let anything get out of control, and we can easily do it, and do it in this manner. So, then, you're new, and you say, 'well, you know, now really I don't know if my sales are going to be as much as 35 percent alcohol. I really picture mine as being more of a family restaurant. I'm going to be mostly food by a lot.' Then, we will not have any requirement that you have to have these additional people for the first 120 days. So, after 120 days you have a chance to see how it's going, and then, you'll know whether you're required to have those. We would think that with the system we have with new establishments, we'll be helping them, and they will be saying that's a good idea. 'We ought to have someone after 12:00 a.m. at the door, and then, we've got Alice, and she has a great record; she'll be one of the people after midnight, and then John.' The manager can be one of the people. It's not burdensome. It's really a model ordinance, and I highly commend it to you. Chief Mullen, would you like to add anything from the outset of setting the table if you will?"

Chief Mullen said, "Thank you, Mayor, and I thank you. I don't want to repeat everything the Mayor said, but one of the things that's very, very important here, I think, is to understand that what we're trying to do here is create a collective mindset of a partnership that everyone has a lot to gain and also a lot to lose. We all have a lot to gain if the hospitality industry is successful in Charleston, and we all have a whole lot to lose if the hospitality industry is not successful. As I've said over and over again, it only takes one event to occur to lose that brand or to create an atmosphere. It will take us a long time to overcome. I think with the changes that we've made, with the modifications that have been added to this ordinance in terms of what we've heard from Councilmembers, what we've heard from the Restaurant Association, what

we've heard from other hospitality owners; I think that we've come up with an ordinance that addresses the concerns of the City, as well as taking in the concerns of the business operators. What I don't want to do is one thing, that I'll mention, and I'll be quiet. There has been some discussion in terms of there are already ordinances on the books that address this. There has been some discussion about the fact that what we should do as a police agency is simply go down to these hospitality industries and start writing tickets for every violation that we can find. I am here to submit to you that that, in my view, is the absolute last thing that we should do because what that does is it creates an adversarial relationship between the hospitality industry and the police, which is absolutely unworkable. If that occurs, then we are not going to be able to do the things that we need to do as partners, and the City is going to suffer for that. So, what we need to do is to look at ways that we can collectively work together by providing expectations, by providing clear direction, and by providing what we feel like are reasonable solutions that we work together to make sure that the industry continues to thrive, because we're going to continue to grow. If we don't do something about the growth now, that we're not only dealing with the current businesses, but those that are coming into the City, we're really going to have a situation where I don't think that we can afford to spend enough money to buy and hire enough police officers to deal with all the things that we're going to have to deal with. So, I really believe, and I thank the Restaurant Association. I thank the hospitality owners. I thank City Council for your guidance, for your input, for your support. I think that we have reached an agreement among us all that is not only going to benefit the operators in the long term, but is going to allow the City to continue to be successful, prosperous, and make sure that we don't end up with a catastrophe or a tragedy that we'll all be spending lots of money and time trying to overcome in the future. So, I'll be happy to answer any questions."

Mayor Riley said, "Thank you, Chief, and thank you again for your hard work, your staff, and for our Legal team that have really done a great job and for Council, for your input and your advice and guidance."

Councilmember Gregorie moved to approve. Councilmember Waring seconded the motion.

Mayor Riley said, "And that would be with the amended version. Is there any discussion?"

Mayor Riley recognized Councilmember Wilson.

Councilmember Wilson said, "I have some questions and some comments, and I want to say first of all, I am in full support of the Chief and trying to give him the resources in which he needs to keep the City safe and to stem some of the behaviors and some of the issues that we're seeing. I know that with some of the public comment, some of the concerns that they echoed will never be addressed with this ordinance, for example, parking woes."

Mayor Riley asked, "Pardon?"

Councilmember Wilson continued, "Parking woes. You know, people parking right up to the intersection, those sorts of things."

Mayor Riley said, "Sure."

Councilmember Wilson continued, "I don't want to give a false expectation to neighborhoods. There are some things, a lot of things that this ordinance wouldn't cover,

something like that. The fact that somebody who has left an establishment, and they may not be driving, they may be on foot, so there's no alcohol and automobile involved; and walking down the sidewalk doing cartwheels on the sidewalk at 2:00 a.m. and singing is not something that a bar or a restaurant owner can necessarily enforce. That person is off the premises. That's just a fact of life of living in a City, I think, and it has certainly impacted me when I've been staying in a City, so the ordinance doesn't address things like this. It does not address the fact that there's a mass exodus at 2:00 a.m. We can't help that. That's when the establishments close, so yes, no matter what is contained in this piece of paper, it's not going to stem a mass outflowing of people at 2:00 a.m., and the behaviors that may result from that.

A few things that I do want to address, one of which was brought up, is how do we handle rooftops, and how do we handle rooftop issues before 11:00 p.m.? I'm glad to see that 7A was modified and the taxing situation. I do have one question and a point of clarification, a business that is starting and is unsure what their alcohol sales will be has that 120 days, and of course, we review, do they have to staff as though they are a 7A? Okay, they do not?"

Mayor Riley said, "No. In working with the staff, the staff will probably help guide them, and what they will need; say you're likely going to be required you might want to set it up now, but they won't legally be required to do it for 120 days. As for the cabaret, even now, you do not pay a cabaret business license until your first full year business license. So, if you open in the middle of the year, you don't pay the cabaret addition because there's no evidence yet of what your percentage of sales are."

Councilmember Wilson continued, "Some issues that have been expressed to me are about the word 'monitor' and the fact that some employees of establishments may be asked to monitor parking lots. Define 'monitor,' and again, another point is, a lot of properties, especially downtown, may lease one lot, and it services several different establishments. Who is responsible for monitoring? Somebody puts their head out the door and sees a couple of people talking in the parking lot. It's a very vague term, and that gives me a little bit of concern as to whether it is enforceable. What was expressed to me by the some of the restaurant and bar owners is they feel it could be a very risky situation, sending in an employee if there's something in the parking lot, even sending an employee out there. They can call the police, but let's get back to the whole issue of monitor. One thing that we can do that's always a deterrent to bad behavior, and we see it all the time with speeders, you put a police officer in a parking lot doing paperwork. If there's an establishment that's absolutely causing trouble time and time again, put a policeman in that parking lot, even if he is just completing paperwork. But that presence in itself stems a lot of bad behavior. One of the biggest issues that I don't think we've addressed yet is the slow night. If an establishment seats 150 people, and it's a dead night in January, and it's a Tuesday night in January, and there are 25 people in the establishment, can some of those security personnel be released and go home, thus saving labor costs? At least I have not found that's really spelled out in this, or at least at this point it's disallowed. They have to keep all of these remaining security personnel there in case at 10:00 p.m. a couple of buses with college teams or something come in. I don't know, but that's a cost burden to a lot of these businesses, and I'd like to look at it again. I guess with this, I'm very, very sure, we've got to do something. I believe in what you said. I believe in what the Chief said, but in my case, it's a question of vigilance, keeping the City in a good, healthy regard versus diligence. The diligence, when I first talked with the Chief about this, we've got this ordinance coming up, and then the education process starts coming from interested parties, from the Restaurant Association, and from the bars. I've learned things that I never learned before, and suddenly something that was okay in the ordinance, now strikes me as potentially needing a little bit of reworking. So, it's a work in process. It's still a little bit in process for me. Basically, vigilance and diligence, and

doing that. What gives me pause right now is that the major player, the Restaurant Association, has not been able to thoroughly vet this and endorse it."

Mayor Riley said, "Let me just quickly respond to some of those. I talked with the restaurant owner representative, and they're interested in working on an annual review and program for the restaurant and bar owners, which we think is a great idea, and we'll work with them on that. You can't eliminate all cartwheels, but if we now have people monitoring how much overdrinking is done in their restaurant, somebody in charge of looking at that for the first time, I think there will be fewer. I think this is a reduction in that behavior. Then, the thing about the parking lot is this: the definition of offsite parking means parking spaces are not located on the lot of record of the establishment, and shared parking for lots of record for late night establishments, either which are made available in the late night establishment to its personnel or patrons, so, in other words, it's parking that if 'X' restaurant obviously has to monitor, you can't just park there. There's got to be somebody there that says 'why are you parking here,' and you say, 'well, I'm going to Fred's restaurant,' so clearly they've got someone there, and so, it's just that if they've got someone there, and you're parking there, then they ought to be looking after you or the car. Certainly, if they've got a parking lot there, having people in their establishment come and park, and they've got someone there, obviously, they have to be expecting to keep an eye on it because they've got an eye coming in. This will always be. We'll keep seeing if, in fact, one of these places has an off Friday night or Thursday night in Charleston, and all of the college students have gone to some other part of the country or something like that, and they've only got 25 there, we'll cross that bridge when we come to it."

Councilmember Wilson added, "I just have a real concern because that's a lot of labor that an establishment needs to pay out for relatively little return that evening."

Mayor Riley said, "We'll move on, but really if you look at the number, you're talking two people after 12:00 a.m., one is the manager who's already there, and you're paying somebody who is a server, whatever you would pay them an hour. It's not a whole lot of money."

Mayor Riley recognized Councilmember Alexander.

Councilmember Alexander said, "Thank you, Mr. Mayor. I think we moved from something that I felt was very onerous, had a lot of holes, to something that's very reasonable. I'd like to thank everyone involved, but most particularly Friday afternoon, there was a meeting with the Charleston Restaurant Association, and Councilmember Seekings, Councilmember Wilson was there. I know Major Elder was there, several other folks from the Police Department, and Ms. Cantwell. What I find in front of me is what we talked about, the concerns of that Association. The amendments had been made accordingly to answer those concerns. In fact, I believe you and I were talking some around 9:00 a.m. about those issues from the Charleston Restaurant Association. We felt like they may have been left out to some extent. I'm more comfortable supporting this, given the hard work that the staff has listened to the end users, the restaurants, the bars. They've listened to the concerns of Council that we've taken it through the proper process of many of us doing our due diligence and getting answers from outside. We always get to see what staff has, but you have to go to the folks most affected to find out 'will it work,' and what are the problems with it that we could modify. So, I just wanted to say to my peers that that working group on Friday, it was great to see the synergy amongst the restaurateurs, the bar owners that were there, the Councilmembers, and staff to identify some holes. Having said that, I think there are other provisions that we need to look at, that we need to monitor, we need to ensure that it's working. One of my concerns, which we addressed, was in terms of training, and these folks were not managing the crowds on the streets. That was a

police function, and that's what we should do, and we've resolved that by having them monitor. One of the other concerns that came up during my due diligence, if you will, and hearing from other groups, and I think that somebody mentioned it in here, is the process of education. You know, many of the problems that we have are that we have people that are just too drunk to be on the streets, and they continued to be served, and there are training programs available, in an e-mail I saw from Councilmember Hallman who actually trains and teaches some of these courses."

Mayor Riley said, "Yes, he's a teacher. That's right."

Councilmember Alexander continued, "If the servers and the bartenders are unable to recognize that they're serving an individual, if they've not been trained to observe and say 'we need to cut this person off.' Most people can tell if somebody's laying on a table or a floor, maybe they've had too much, but there are those that are in that grey area, that it takes somebody trained to identify them and say 'no; you can't have another drink in my bar.' So, I think as we work our way through this ordinance, and get to that goal of providing a safe, entertaining place for all to enjoy, that we need to be looking at that aspect, as well. It might be something that doesn't fall under the purview of the City. It might be alcohol/beveraging control at the State or State Legislature that says these folks needs to be licensed, they need to be trained, and they need to be held accountable, but we can't hold them accountable if we're not training them. So, my only thought is that there's more to do, but I think we've made an excellent start, and again, thank everybody that's worked so very hard to work through all the issues, and I intend to support the ordinance as amended."

Mayor Riley said, "Thank you very much, and thank all of you for your input tonight. Most of us chatted over the last couple of weeks, and the Chief did, and members of the industry."

Mayor Riley recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor. I'm sorry. Was Councilmember Lewis ahead of me? I'll defer to you. No, go ahead, sir."

Mayor Riley recognized Councilmember Lewis.

Councilmember Lewis said, "Mr. Mayor, members of City Council, I don't know where it's going to stop, but you know, several years ago we created this 2:00 a.m. monster because we had problems down on Market Street. We had problems down in what we call the KGB area, drinking at night, youngsters going into people's yards, urinating, throwing down their plants. So, we've got bars all over the City who had problems in one central area, so what we did is we shut the bars down, all of them at 2:00 a.m. That worked for a while. Now, here we are visiting another problem, and it's not all over the City. It's basically what used to be the Central Business District. To me, it's not the Central Business District anymore, which is King Street. You used to love to go on King Street because it was a place you could go and shop and buy things for your family, but now to me, it's just like a strip mall because there are so many bars and things down there at night. Now, we've got a problem again with groups of young people in that area that are getting out of hand, getting drunk, making loud noise, waking up people up in the neighborhoods, and it's a matter of enforcement again. It's a matter of 'I don't care whose daughter or whose son it is, if they're out there, they're violating the law. I don't care what school they go to. If they're out there at a university or a college they're attending in this City, if they're out there violating the law, they need to be arrested.' Until we do more enforcement,

we're going to be visiting things like this again, just like we visited eight or ten years ago when we closed all the bars because of the late night noise. That's been the way for a while, the KBG district, King, George, Burns Lane. They had problems down there, and what did we do? We had to enact a whole ordinance because State Law would not let you have an ordinance for just one section of the City when it comes to these establishments. So, now we're visiting something again, a nice beautiful street. We're going to say now we have a late night ordinance. We've got bars and restaurants all over this City, and we know where the problem is, but all late night establishments have to pay for it. I hope we enforce the laws that we've got on the books. If I'm out there, and I'm drunk, and I'm raising hell, I don't care who I am, I need to be arrested. It's not being enforced. I walk King Street three nights every week. I've been doing this, I don't know, the last year, or two years because most of King Street was in my district until this Councilmember (Mitchell) here took over most of King. You'd be surprised at what you see down there at night. I have to applaud the bar and restaurant owners. They're listening to the Chief because I was out there Friday night and because I left before the Chief got out there, but you could identify that some of these guys at the door were door people. Every bar or restaurant that had someone at the door, if they had that black collar, you could identify them. So, they are listening. They're trying to cooperate with the letter of the law. So, we have to work with them to make sure that these sidewalks and stuff are passable, and that is the responsibility of the Charleston Police Department. That's our responsibility as law enforcement officers, and I saw some things in the last week. I was walking down King Street. A young man pushed another young man out the door and shoved that one aside, and he threw the beer can in the middle of the street. The officer looked over and just kept on riding, drove right by it. That happened last Saturday. So, we have to make sure, I don't care who it is, if it's your child, my child, anybody else and their child, we need to enforce the law. I think if we enforce the law more, we won't have these problems. We won't have to suffer with the bar owners with writing two business plans, one to go to the bank and get money and the other plan, how you're going to make this business work according to the City ordinance. So, I hope this is the last time that we'll have to do this in the loveable City that Charleston is. Thank you."

Mayor Riley said, "Thank you very much. Thank you. Thank you so much."

Mayor Riley recognized Councilmember Riegel.

Councilmember Riegel said, "Thank you, Mr. Mayor, and well said, Councilmember Lewis. I commend Chief Mullen for the tremendous amount of work you and your staff have done in creating this ordinance. I think this ordinance will be a model for the hospitality industry across the nation. I know how much hard work you put into this. As the Chief and I discussed, I believe you were traveling out of town on vacation over the weekend. In District 10 where I live and the constituents, who I represent, I don't believe we have a bar in the district, or a night club in the district. Most of them are in the PSD and the County, but I do have an obligation as a Charleston City Councilman to protect the brand, and the brand is the City of Charleston. I don't remember New Orleans being voted number one by Conde Naste. The trend certainly is nationally, and I work a lot with DOT compliance to manage alcohol consumption abuse. I frankly would support dropping the legal alcohol consumption of breath alcohol tests from .08 to .05. I think that will be a welcome thing. I was unable, unfortunately, to meet with the Restaurant Association folks at 4:00 on Friday. I had already rearranged my schedule from the previous 9:00 meeting that I was asked to attend, and I don't think Boeing Aircraft would have appreciated that if I moved that one more time. I think it's a tremendous ordinance. I think it's so representative of the City of Charleston, our leadership role, and I will be supporting this ordinance tonight. Thank you, Mr. Mayor."

Mayor Riley said, "Thank you very much. Would anyone else like to be heard?"

Mayor Riley announced the order of speakers as Councilmember Alexander followed by Councilmember Wilson.

Councilmember Alexander said, "I just wanted to see if the Clerk's office or the Police Department, who has us creating a sociable City plan that was given to us by the Restaurant Association on Friday afternoon, those at that meeting, could make sure Councilmembers get a copy of this."

Mayor Riley said, "Good. Thank you. Good."

The Clerk asked, "Who gave you that?"

Councilmember Alexander said, "The Restaurant Association group that we met with on Friday."

Councilmember Lewis said, "We weren't aware of a meeting on Friday, or maybe we might have been there."

Chief Mullen said, "What you have in your hand, Councilmember Alexander, are the things that we've been working on for the past two and a half years that I mentioned several times at the last meeting we had where we invited members of the Responsible Hospitality Institute into the City. We invited all the bar operators, managers, restaurateurs, and in fact, the Restaurant Association was our partner in doing so. We have copies of those for each of you, and Kathy and I have been working on preparing some documentation to present to you. Quite frankly, I didn't want to do that right now because I didn't want to make it seem like I had waited until now to present that to you. What that is, is a document that we have been working through. We've had three sessions, and as I mentioned to you last time, we invited upwards of 75 people to each one of those. We generally have about 15 that show up. So, at the end of the day, I think that what this process hopefully has done, as well as made this ordinance better, what I hope it has also let people know that we are looking at this very seriously. When we invite you to come to a meeting and be a part of that discussion, it's probably a good idea for you to come because we're not going to sit back and wait for things to happen before we act. We're going to be proactive. So, as we move forward, we're going to continue to work with the Restaurant Association, the hospitality industry. We have this Responsible Hospitality group that meets every other month that has restaurant owners, bar operators, retailers, hoteliers, all of these people that meet at the CVB, to talk about these issues. Hopefully, a byproduct of this particular process will be that those people will be more engaged, and they will be more attentive to the things that we're trying to do so that we can be more inclusive when we come before this body with an ordinance."

Councilmember Alexander said, "I just thought it was a very good document that showed where the vision was going for the Entertainment District. I enjoyed reading it and working my way through it and thought others may, as well."

Chief Mullen said, "Well, I can assure you that we have been working on this for some time now, and this isn't something that just happened overnight. It's been in the process for several years, and we've got some other plans. As you know, we've been working on trash issues, delivery truck issues, all kinds of issues that we think have impact downtown, but that

document and the assistance of the Restaurant Association, I think we're in a good place, and we need to just continue to move forward. Thank you."

Mayor Riley recognized Councilmember Wilson.

Councilmember Wilson said, "Thank you. I would like to support this. I really do. I want to give the Chief the tools that he needs that he's asking for. I really do, but when we talked this morning, you mentioned that if there's anything we needed to hash through, tonight was the time to hash it through. I just want to revisit one thing and toss it out to my colleagues, to see how you all feel, because this was a concern of small business. I want to put it out there one more time, and that is the issue, it's on page 4. The red highlight is certainly a good change, but how are we going to handle these really slow nights. The ability, good judgment of a restaurant or a bar owner saying 'we simply don't have the crowd tonight, and we simply don't need all of this security. I'm paying them hourly fees. It's money just being burned away.' Do you, my colleagues, have any feeling on that? This is the only sticking point that I still have. We've hashed through the 7A business."

Mayor Riley said, "I think we can see how things go, Councilmember Wilson. I think we'll get input from them. You'd have to have an occupancy of 400 people. Really, you've got somebody at the door, and you've got the manager. That's 100. If you've got 100, you've already got a manager. It's not like they're hiring a lot of Brinks or Pinkerton people in there. I think it's more that this requires the acceptance of a monitoring responsibility of the business, that might occur when all the colleges are out of session, and no one's in town, although there are regional people that come from all over. I think that's something that we can observe. The goal here is certainly not to do anything onerous at all, but the goal on the other hand, is to have a good system of accepted responsibility and working with the Police Department to make sure that we do everything that we talked about."

Councilmember Wilson said, "I look at this, and I see an establishment that has an occupancy load of 500 and say they've only got 100 in; 500 mandates a security supervisor and five security persons, one of which may be the manager. So, someone at the door, a manager, and that still leaves three security personnel that must be in the establishment."

Mayor Riley said, "That's something we can look at it. We'll see. If you've got an occupancy of 500, and you're only getting 100 in, sooner or later, you're going to get into another business."

There was laughter in the Chamber.

Councilmember Wilson said, "No, that's not really what I'm saying. What I'm saying is a slow night in the small, little off-season that we have; it says very clearly that these will be necessary, regardless of whether the number of people constituting the maximum occupancy load is then present. So, whether you have 100 or the full 500, you still have the same."

Mayor Riley said, "Well, that's something we can look at together. Is there any further discussion?"

Mayor Riley recognized Councilmember Mitchell.

Councilmember Mitchell said, "I think if she has a concern with that, maybe we need to look at it. We can probably look at that in a three month period or a six month period. Just take

a look at that particular part of the ordinance to see how we can deal with it if the person only has 20, 30 people per night."

Chief Mullen said, "Yes, sir."

Councilmember Mitchell continued, "We can make an amendment to it. We can always make an amendment if we pass the ordinance. We can come back and change that, so we can get the ordinance passed and approved. Like when Councilmember Lewis mentioned, I know what he was talking about because I think Councilmember Lewis and myself are the only two, I think, that were here when we dealt with the KGB area, the bars, and Councilmember Waring's father. We dealt with that, but I believe we have to get something going as long as it's not going to hurt the establishment. I don't want to put a heavy load on them myself, but walking on King Street, being on King Street, I know something has to be done. I live on King Street."

Mayor Riley said, "You do? That's right."

Councilmember Mitchell said, "So, I'm down there with Councilmember Lewis. He walks it more than I do now because he walks a lot, but I travel that area, and I'd just like to know when things are happening in those areas that are a part of the district that I represent. I would like to know exactly when it's happening. So, maybe if I'm available, I can be there to hear first hand. When I walk the streets and talk to some of the owners of the establishments, I can talk about what's happening because if they come to me now, I wouldn't know what to tell them. That's the thing I don't like myself sometimes is to not be aware of some of the things that are happening in the district I'm representing. At first, I was looking at the ordinance in the beginning, and I had my reservations about supporting it, but I got a lot of calls from the various neighborhood associations. Some of the people say they're satisfied with it, so I'm going to go on and support it tonight, but we need to take a look at it and just try to address these problems that everybody's talking about."

Chief Mullen said, "Just one comment I'll make about that, Councilwoman Wilson, is that the smart bar owners, and we've talked about this, we've offered this as a suggestion to them, if they have an occupancy of 500. There are not many of those in the City right now that have that large of an occupancy. However, the businesses that do have large occupancies that are not utilizing the entire business, for instance Fish is a great example. During the dinner hour, Fish has an occupancy of about 160 people. After midnight, the only area of the business that they operate is the bar. So, they can't put 160 people in that bar because then they would be over-occupied, and that would be a fire hazard. So, what they've done is they've gotten a load for not only the entire restaurant, but also for the bar area. After midnight, when they're only operating the bar, their load is no longer 160. Their load is 63. So, that takes down, actually, the number of people that they would have to have as security staff, and that's the same thing as other bars and restaurants in the area. If they have a two story establishment, but at 12:00 midnight the second story is not being utilized because they've changed from a restaurant to a lounge or a bar, they can get separate occupancy loads for each floor and then utilize only those occupancy loads that are occupied during that period of time."

Councilmember Wilson said, "Perhaps we could get the word out about that. I don't want this one concern to hold up everything."

Chief Mullen said, "Yes, ma'am."

Councilmember Wilson continued, "But it was a major concern that was repeated to me many times, and let's track it. Let's possibly review this internally in 90 days. Take the feedback that we receive from this."

Mayor Riley said, "Sure. Good point."

Councilmember Wilson continued, "And see if there's any sort of amendment or anything that we can do to just take the feedback that we're getting."

Chief Mullen said, "Absolutely."

Councilmember Wilson said, "Make the best decisions that we can."

Chief Mullen said, "Yes, ma'am. Thank you."

Mayor Riley asked, "Is there any further discussion?"

Councilmember Seekings said, "Very briefly."

Mayor Riley recognized Councilmember Seekings.

Councilmember Seekings said, "In response to Councilmember Wilson, I share that same concern if you're looking at it, but if you look at the amendments that were made, especially 'B1(c)' which changes the numbers down to three, one of which can be a manager. I mean that whole idea was to make it revenue neutral, and I think that we've listened very accommodatingly. So, I think being organic is the right thing, but this is a step in the right direction."

Mayor Riley said, "Thank you. Great. Is there any further discussion?"

On a motion of Councilmember Gregorie, one (1) bill (Item K-4) received second reading. It passed second reading on motion of Councilmember Waring and third reading on motion of Councilmember Mitchell. On further motion of Councilmember Gregorie, the rules were suspended and the bill was immediately ratified as:

**2013-55 AN ORDINANCE TO AMEND THE CODE OF THE CITY OF
CHARLESTON BY ADDING TO CHAPTER 17 THEREOF A NEW
ARTICLE VIII PERTAINING TO LATE NIGHT ENTERTAINMENT
ESTABLISHMENTS (AS AMENDED).**

Mayor Riley said, "That is it. Is there any other business to come before this particular meeting of City Council?"

Mayor Riley recognized Councilmember Waring.

Councilmember Waring said, "Mr. Mayor, I want everybody to recognize where the next meeting is going to be held, which is in District 7."

Councilmember Seekings asked, "Where is that?"

There was laughter in the Chamber.

Councilmember Alexander said, "District 9."

Councilmember Waring continued, "We're expecting record attendance. We're actually going to sell tickets to that meeting, so I want everybody to come."

There being no further business presented, the meeting adjourned at 7:05 p.m.

Vanessa Turner-Maybank
Clerk of Council